

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, May 7, 2007 9:30 a.m.

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The Catawba County Board of Commissioners met in regular session on Monday, May 7, 2007 at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Commissioners Dan Hunsucker, Glenn E. Barger and Lynn M. Lail.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.
2. Chair Barnes led the Pledge of Allegiance to the Flag.
3. Commissioner Lynn M. Lail offered the invocation.
4. Commissioner Dan Hunsucker made a motion to approve the minutes of the Regular Meeting of April 16, 2007. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and especially all of the law enforcement officials who were present for both the Peace Officers Memorial Day/National Police Week Proclamation and the Public Safety Officers Memorial item that was on the agenda. She noted there were other presentations on the agenda and stated it was always a very good thing to stop and take time to focus on the positive things that the County's organizations achieve.
6. Comments for Items not on the Agenda. None.
7. Presentations:
 - a. Commissioner Hunsucker presented proclamations to the Sheriff and representatives of all the County's municipalities' police departments as well as a representative from the Catawba County Fraternal Order of Police, designating Tuesday, May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week. The proclamation recognized that the members of the law enforcement agencies of Catawba County and its municipalities play an essential role in safeguarding the rights and freedoms of the citizens of the county, and encouraged all citizens to know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement officers. The proclamation directed that all flags on County property be flown at half-staff on Peace Officers' Memorial Day and urged all citizens to recognize these officers' faithful and loyal devotion to their responsibilities and participate in events celebrating these important occasions.

County Manager J. Thomas Lundy presented a request for the Board to authorize a Public Safety Officers Memorial which would be located adjacent to the flagpole at the Justice Center. On April 17, 2006, the Board was approached by Mr. Carl Pope, President of the Catawba County Fraternal Order of Police, about a memorial for peace officers. A committee was established representing local law enforcement, (police and sheriff departments), fire, emergency medical service and rescue, to discuss a memorial, draft guidelines and make a recommendation on an appropriate location. Committee members included Sheriff David Huffman; Gary Lafone, Conover Police Chief; Gerald Tolbert, Claremont Police Chief; Tom Adkins, Hickory Police Department; Kevin Yoder, Newton Fire Chief and President of the Catawba County Firefighter's Association; Jody Smyre, Claremont Fire Chief and Rescue Association Commander; David Weldon, Catawba County Emergency Services Director; and County Manager Tom Lundy.

The recommended criteria was as follows:

For the purpose of this Memorial, "public safety officer" means an individual

involved in law enforcement, fire, emergency medical service, or rescue, who is directly employed on a full-time or part-time basis or a volunteer, acting on behalf of a local city or county agency in Catawba County, North Carolina, with or without compensation.

"Line of duty" means any action, which an officer is obligated or authorized by law, rule, regulation, written condition of employment service to perform, or for which the officer is compensated by the public agency he or she serves.

The term "dies in the line of duty" means a public safety officer has died as a direct and proximate result of a personal injury sustained in the line of duty. This includes public safety officers who, while in an off-duty capacity, are actually en route to or from a specific emergency or responding to a particular request for assistance.

Not included in the definition of "dies in the line of duty" are deaths attributed to natural causes, except when the medical condition arises out of physical exertion, while on duty, that is required by law or condition of employment, which can include, but is not limited to: (1) running or other types of exercise being performed as part of training programs administered by the employing agency; (2) fitness tests administered by the employing agency; (3) lifting of heavy objects; or (4) a specific stressful response to a violation of law or an emergency situation causing an officer's death immediately or within 24 hours of violation or emergency situation, or causing his/her death during a continuous period of hospitalization immediately following the specific response to the specific stressful response to the violation of law or emergency situation. Stressful responses include, but are not limited to, the following: (1) a physical struggle with a suspected or convicted criminal; (2) performing a search and rescue mission that requires rigorous physical activity; (3) performing or assisting with emergency medical treatment; (4) responding to a violation of the law or emergency situation that involves a serious injury or death; or (5) a situation that requires either a high speed response or pursuit on foot or in a vehicle. Not included under this definition are deaths attributed to voluntary alcohol or controlled substance abuse, deaths caused by the intentional misconduct of the officer, deaths caused by the officer's intention to bring about his or her own death and deaths attributed to an officer performing his/her duty in a grossly negligent manner at time of death.

After several meetings, the committee unanimously recommended the Board authorize a Public Safety Officers Memorial and that it be used to honor local law enforcement, fire, EMS or rescue personnel who died in the line of duty. The committee recommended the memorial be three feet high by five feet wide and contain four symbols representing local law enforcement, fire, EMS and rescue. The cost of the memorial would be borne by the County and participating cities. Donations from other organizations or individuals would be accepted to defray the cost of upkeep and maintenance. The groundbreaking for the memorial will be held within the next 30-45 days. In response to a question by Vice-Chair Barbara Beatty, the number of names which will be on the memorial currently had not yet been determined because the committee was waiting for the criteria to be adopted by the Board prior to determining the eligibility of placement of a name on the memorial.

Police Officer Tim Hayes came forward to request the Board consider approving the FOP's original request for the memorial to be specifically designated for all law enforcement officers in the County, including state employees, and be limited to law enforcement officers and not include the other disciplines as proposed. Commissioner Glenn Barger stated that the Board was certainly indebted to all the public safety employees and while he heard what the FOP was saying, he did not think there was a need to dedicate space separately for all those disciplines and he stood by what the committee had recommended after their efforts to thoroughly examine the issue.

Commissioner Barger made a motion to approve the memorial as recommended by the committee. The motion carried unanimously.

b. Commissioner Lail presented a proclamation to John Hardy, Area Mental Health Director, declaring May as Mental Health Month to recognize that Catawba County has made a commitment to community-based systems of mental health care for all residents and encouraged all Catawba County citizens, government agencies, public and private institutions, businesses and schools to increase their awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness.

c. Vice-Chair Beatty presented Grace McLeod, Social Work Program Manager, with a proclamation declaring May as Older Americans Month to recognize the valuable contributions made by the older citizens of Catawba County, their families and care givers. This year's theme for the month, "Making Choices for a Healthier Future," acknowledged a more diverse group of seniors whose numbers are growing due to the aging of 78 million baby boomers. This demographic shift carries profound economic and social implications for the nation, as well as our state and county. Catawba County is home to more than 27,000 citizens 60 years of age and older, representing 17% of the population. Older adults are not only living longer, but are staying healthier and more actively engaged in their communities.

d. Commissioner Barger presented Jo Sloan, Family Support Program Manager, with a Certificate of Commendation to the Catawba County Tax Link Program. This commendation cited that the Catawba Tax Link Program recently won a 2007 Acts of Caring Award from the National Association of Counties. This award recognized the top county volunteer programs in the country and the Board applauded the program for being one of three winners in the Health and Social Services category. During its three years of operation, the Tax Link Program has steadily increased the number of Catawba County citizens served and reached 270 low income families this year, resulting in over \$40,000 in tax preparation fees saved and \$407,564 in refunds generated.

e. Jennie B. Connor, Executive Director and Tammy Dotson, Director of Volunteer Center/Information and Referral, Catawba County United Way, presented information on the 2-1-1 telephone service offered by the United Way. 2-1-1 is an easy to remember, three-digit telephone number that connects people with important community services to meet everyday needs and the immediate needs of people in crisis. This service connects callers to affordable high quality child care/after-school care, counseling and support groups, health services, food, clothing and housing and services for seniors and the disabled. Callers simply dial 2-1-1 for information and 2-1-1 is free, confidential, available 24/7, multilingual and staffed by agents to help all callers.

8. Appointments:

Commissioner Glenn Barger recommended the reappointment of D. Joe Long for a sixth term on the CVCC Board of Trustees and the reappointment of Daniel McEachran for a first term on the Social Services Board. Commissioner Lail recommended the appointment of Larry Drum (lives in the St. Stephens community) to fill the unexpired term of Charles Connors on the Catawba County Planning Board. Commissioner Hunsucker made a motion to approve these appointments. The motion carried unanimously.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the five following items for consent:

a. A request to approve a revision to the current Mental Health Services budget, to increase the current budget by \$25,081 to a total of \$15,240,188.31. Adjustments to the budget included the following: 1) \$147,615 in additional State allocations, as follows: a) \$35,500 to be distributed to Catawba Valley Behavioral Healthcare. Mental Health Services of Catawba County (MHSCC) identified the need for an independent Information Technology system with full connectivity capacity for the county's comprehensive Adult Mental Health service provider. These funds will be used to acquire this system; b) \$55,600 in one time State funds to strengthen the crisis services continuum of care and decrease inpatient admissions to State facilities. These funds will be used to provide for start up of services. Efforts will also focus on immediate and aggressive follow-up of consumers who have received a crisis service and/or been discharged from a State facility, to assure they become engaged in treatment with a community provider. c) \$56,515 in one time State funds to strengthen the substance abuse services continuum of care. Efforts will focus on expanding crisis service capacity so both treatment eligibility and accessibility "barriers" are addressed for the substance

abusing population. This budget revision also included a decrease of \$160,534 in developmental therapy funding after the State reviewed the utilization of Developmental Therapy (DT) funding which was previously awarded to Local Managing Entities. A 6 month review of data from 7/1/2006 to 12/30/2006 caused a decrease in both Child and Adult DT funding. The State will continue to review Developmental Therapy utilization and make other adjustments if necessary. The budget revision included an appropriation of \$38,000 from the Mental Health Fund Balance to assist Catawba Valley Behavioral Healthcare with the purchase of an additional van for Lifeskills. The van will have the capacity to seat nine ambulatory passengers or two wheelchairs and five ambulatory passengers, and will allow Lifeskills to add another route. The revision also reflected MHSCC's intent to add two full-time equivalent positions to this year's budget, in an effort to position the department to support clients of Burke County following a merger of services that was discussed by the Board of Commissioners later at this meeting. MHSCC will recruit a Network Specialist to identify, establish and implement all IT functions necessary to ensure streamlined connectivity between the providers and the LME, and a Social Work Clinical Specialist to meet the requirement of staffing a 24/7/365 Access unit responsible for screening and triaging for all services. Funding for these two positions will be provided by currently lapsed salaries that already exist in the Mental Health budget. Appropriations are as follows:

Account Number		Account Number	
Expenditures:		Revenues:	
110-530906-915610 CVBH Contract	\$73,500	110-530906-633100 Mental Health Trust Fund	\$35,500
110-530906-915560 Developmental Therapy Funds	(\$160,534)	110-530906-635220 Adult DD-Dev Therapy	(\$126,152)
110-530906-911725 Mental Health Trust Fund Svc	\$112,115	110-530906-635320 Child DD- Dev Therapy	(\$34,382)
		110-530906-633100 Mental Health Trust Fund	\$55,600
		110-530906-633100 Mental Health Trust Fund	\$56,515
		110-530906-691300 MH Fund Balance Applied	\$38,000

b. A request from the Western Piedmont Council of Governments (WPCOG) to approve proposed amendments to the WPCOG Charter and Bylaws. In 2004 the WPCOG was designated as an Economic Development District for purposes of working with the US Economic Development Administration (EDA). At that point, the WPCOG amended its bylaws to add seven Policy Board members to satisfy EDA requirements that 20% of this board represent minority and private business. The latest EDA rules require that the WPCOG Board include 35% business representation. In order to continue to receive EDA planning funds and technical assistance as well as additional grants for local governments, the WPCOG needs to again change its board composition to reflect at least 35% business-related representation.

The current charter and bylaws specify that each local government member shall appoint "an elected official" to serve on the Policy Board. Unless that language is changed, the WPCOG will have to appoint seven additional members to satisfy EDA requirements because the board member from each local government may only be classified as an elected official. By changing the language of the charter and bylaws to say that the required appointment be "a representative" rather than "elected official", the WPCOG may count some of the present board members as business representatives and it will not have to change the size of the current board. Member governments may still appoint elected officials and the WPCOG strongly requested that member governments continue to appoint elected officials.

c. A request for the Board to adopt a Criminal History Check Ordinance as required by the State Bureau of Investigation (SBI). In 1997, the County entered into an agreement with the Sheriff's Department and the SBI to allow access to computerized criminal histories for the purpose of employment. Additionally, the County's Personnel Ordinance contained language allowing background checks of this nature. Since then, whenever a conditional offer of employment is extended by the County, the Personnel Department has contacted the Sheriff's Department with the

necessary information and a criminal history check is conducted. The information is returned to the Personnel Department and reviewed. If the candidate has criminal convictions that are in conflict with public employment, the offer of employment is rescinded and the candidate notified. The date of the conviction, nature of the offense, and the position to be held by the candidate are considered. Prior to denying employment, every effort is made to confirm that the record is accurate and verify that the record is that of the candidate being considered. When a candidate is notified of the results of the history check, the candidate may challenge the record.

A routine audit of the Sheriff's Department was recently conducted, and the auditor advised staff that the SBI now requires that a criminal history check ordinance be adopted by the Board of Commissioners to allow for the checks required under Section 28-153 of the Personnel Ordinance. The SBI also requires the County Manager to sign an agreement which details the County officials who are allowed to have access to criminal information.

The ordinance read as follows:

CATAWBA COUNTY
CRIMINAL HISTORY CHECK ORDINANCE

This Ordinance adopted by the Catawba County Board of Commissioners is to provide policies and procedures for conducting criminal history checks through SBI/DCI (State Bureau of Investigation Division of Criminal Information) on final applicants for employment with Catawba County. This ordinance is adopted pursuant to the authority vested in Catawba County by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

1. In order to protect the citizens of the county and their properties, the procedures herein are established to provide for criminal history checks and driver history requests of all final applicants for positions in the county government. Subject to Subsection (C) of this section, employment with the county may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.

(A) The County Manager, or designee, may conduct an investigation of any final candidate for a position with the county government and it shall be a precondition of employment that the applicant for such a position shall, upon request, provide necessary personal identification information, including a birth certificate, social security number and/or driver's license along with any other appropriate identifiers, if needed, so that the County Manager, or designee, may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions or the crimes listed above by use of the SBI/DCI.

(B) The Catawba County Sheriff's Office shall provide the findings from the use of the SBI/DCI to the County Manager, or designee, provided that all necessary agreements with the SBI/DCI have been executed.

(C) An evaluation of any crime for purposes of employment will take into account the nature and circumstances of the offense and the time frame of the offense as it relates to the essential job functions of the position applied.

(D) Prior to denial or termination of employment based upon criminal history record information (CHRI) received from the Catawba County Sheriff's Office, the County Manager, or designee, shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the CIIS Section for verification that the CHRI record belongs to the individual.

2. If this Ordinance, or the application thereof to any person or circumstance, is held invalid, such validity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.

3. Any Ordinance or any part of an Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of Catawba County, North Carolina, and shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2007.

d. A request for the Board to approve two tax refund requests totaling \$926.32. Records had been checked and these refunds verified, so the Tax Collector recommended approval. Under N.C. General Statute 105-381, a taxpayer who has paid his or her taxes may request a refund in writing for an amount paid through error.

e. A request for the Board to formally acknowledge for the Board's minutes its authorizing County Manager J. Thomas Lundy's signing of a development agreement by and among Catawba County, Crescent Resources, LLC, Carolina Centers, LLC, Key Harbor Communities, LLC, and Key Harbor Holdings, LLC, filed in the Catawba County Register of Deeds Office on April 30, 2007. On April 16, 2007, the Board approved this Development Agreement which deals with the development of four parcels of land in the Sherrills Ford community. On April 30, 2007, the County was notified by counsel for the other parties that the Development Agreement had to be signed and recorded that day. Each member of the Board of Commissioners was contacted and all agreed that it was appropriate to authorize County Manager Lundy to sign the Development Agreement on behalf of Catawba County so the document could be recorded.

Chair Barnes asked if any Commissioner wanted any item broken out of the consent agenda. None were requested. Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

10. Department Reports.

Mental Health:

John Hardy, Area Mental Health Director, presented a request for the Board to approve an interlocal agreement with Burke County to create a partnership for the provision of mental health services for one year, with the goal of a full merger by the two counties of the delivery of mental health, developmental disability, and substance abuse services by July 1, 2008. Catawba County officials have been involved in a long process of discussing with different neighboring counties the possibility of becoming partners, in order to meet the new State requirement (under Mental Health Reform) that all area mental health programs serve a population of 200,000 people. Conversations have occurred with the Crossroads Area Program (Iredell, Surry, and Yadkin counties) and the Foothills Area Program (Alexander, Burke, Caldwell, and McDowell counties). During those conversations, Burke County officials approached Catawba County with the idea of a possible partnership between just those two counties. Further study illustrated this could be a viable partnership. There has been a long-standing working relationship between these two counties on different joint projects. Burke County has since taken action to begin the process to withdraw from the Foothills Area Program and align with Catawba County. The goal is for a full merger with Catawba County for the formation of a Local Management Entity (LME) to oversee the delivery of mental health, developmental disability and substance abuse services in Burke & Catawba Counties.

Since these kinds of changes need to coincide with the beginning of the State fiscal year on July 1, there was not enough time to finalize a full merger before the start of the 2007-2008 fiscal year. Therefore, an interim interlocal agreement has been established to provide the means by which a transitional year will be managed, as the details are worked out to create a new expanded LME by July 1, 2008. This transitional year also provides the time necessary to allow Burke County to settle its proportionate share of assets with the Foothills Area Program. The agreement also provides for a process to plan for the future through an "Integration Committee".

At its April 19, 2007 meeting, the Board for Mental Health Services of Catawba County approved the proposed agreement and suggested that the respective Boards of Commissioners of Burke and

Catawba counties consider the same. Burke County approved the proposed agreement at its May 1, 2007 Board of Commissioners meeting.

Chair Barnes asked about the delineation of grants that Burke County has that Catawba doesn't and if there were any others that were not outlined in the agreement. Mr. Hardy responded he did not know of others at the present time but others may be uncovered in the whole process. He stated the agreement gave them the vehicle to sort all those things out and work through the unknown things that would crop up in the first 60 days of the merger.

Commissioner Lail made a motion to sign the interlocal agreement. The motion carried unanimously.

11. Other Items of Business.

a. Danny Hearn, President of the Catawba County Chamber of Commerce and Sherriff L. David Huffman came forward to discuss immigration in response to a citizen's concern voiced at a past meeting. Mr. Hearn said the Chamber was trying to work with industry on this very difficult problem. They did a lot of training with Human Resource managers and started a Society for Human Resource Management (SHERM) which is the highest level of human resource management available. The Chamber is always trying to get information out to HR managers about the immigration issue and what they can and cannot do and what is required to be done. Mr. Hearn said these managers are working within a very inefficient system that Congress had and they are doing the best job they can to verify information but the fraud and identity theft are very real and very difficult. SHERM has stated that HR managers should not be the group of people in this Country that monitor immigration and illegal workers. Mr. Hearn then introduced Mark Knuckles, Human Resource Labor Professional. He said his clients in the local area were telling him that they were not having a problem, partially due to the high unemployment rate. That has decreased the demand for labor which seems to be one of the factors that fosters the illegal immigrant worker situation. He stated this was a national problem and one that cannot be solved locally. He said currently there are 29 separate documents employers can use to verify a lawful immigrant worker. He went on to say that any of these documents can be easily falsified. Mr. Knuckles said the employers he works with have used the internet to verify social security number for the past two years and when there is a "no match", most prospective employees cannot prove that their number is valid or they just don't show up or come back after they find out there was a "no match". Congress is now pushing for better verification methods. Chair Barnes asked Mr. Knuckles about the non-compliance found in the building industry and he replied that he was seeing non-compliance in landscaping, yard work and construction and wherever an employer is going to pay cash. Commissioner Barger asked about employers recruiting illegal aliens and Mr. Knuckles said he did not think that was still happening and was not the problem that it used to be.

Sheriff Huffman then came forward to speak about the Sheriff's Department response to illegal immigration. He said there were currently 25 illegal immigrants in the jail. He said this number would increase with the jail expansion and federal funds would increase with the number of illegal immigrants housed in the county's jail system. Federal funds through an upcoming contract would pay for four computers to assist officers in verification of immigration status. Illegal immigrants would be held in the County jail until they were transported to a Federal agency and Catawba County would be paid by the Federal Government for this incarceration. Commissioner Barger asked, as a Board, was there anything else it could do to be more aggressive in identification or the pursuit of illegal immigrants. Sheriff Huffman replied he did not know of anything that could be done at the county level. Chair Barnes pointed out the jail expansion approved by the Board was an aggressive and costly effort to assist in this problem. She asked Sheriff Huffman that after that space was available, would the four positions be funded by the Federal Government to support the illegal immigration pursuit. The Sheriff confirmed this was true.

b. Section II F of the 2006-2007 Budget Ordinance states: "Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be attached and approved as part of the minutes."

Under this provision of the Budget Ordinance, the following personnel changes have been made to Social Services' budget:

Income Maintenance Caseworker (3)

The positions will provide eligibility determination for families and children. The Medicaid caseload has increased over 17% since last positions were added, and additional state/federal requirements are increasing time required to process work. Additionally, Hickory CCM requested a staff member to be located in their offices to help assure any citizen eligibility for Medicaid receives it.

Substance Abuse Counselor I (1)

This position will coordinate adolescent Substance Abuse Intensive outpatient (IOP) services. It is responsible for clinical oversight of the services provided in the IOP program, provides structured individual and group addiction activities and services designed to assist adolescent consumers begin recovery and learn skills for recovery maintenance.

Office Support Specialist I (1)

The ever increasing complex area of Adult Services, Intake, and Medicaid makes it difficult to complete required administrative functions and properly answer citizens telephone calls. At serious consideration and assessment it is concluded that an additional support staff is necessary to assure citizens have access to services in an acceptable time frame.

12. Attorneys' Report. None.

13. Manager's Report.

Manager J. Thomas Lundy County advised the Board that Hickory Public Schools would be seeking Qualified Zone Academy Bonds (QZAB) funding for the Hickory High School Athletic and Fitness Center. This would allow funds to be borrowed through local finance institutions with zero interest to be paid back over a 14 year period. This was presented for information purposes only and acceptance of the grant would require Board approval at a later date.

14. Chair Barnes adjourned the meeting at 10:55 a.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk